

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
EUREKA DIVISION

IFETAYO R. AZIBO-BOYNTON, et al.,

No. 3:10-cv-4151 RS (NJV)

Plaintiffs,

ORDER FOLLOWING HEARING

CITY OF PINOLE, et al.,

Defendants.

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This case was referred to the undersigned on August 24, 2011, for resolution of Defendants' Motion to Compel (Docket No. 31) and any further discovery disputes. (Docket No. 32.) On October 12, 2011, the Court granted Defendants' request for monetary sanctions pursuant to Rule 37(d)(1)(A)(ii), Federal Rules of Civil Procedure, based on Plaintiffs' failure to serve responses to Defendants' discovery requests. (Docket No. 41.) On January 26, 2012, Defendants filed a Motion to Compel Further Answers to Special Interrogatories, Further Response to Request for Production of Documents, and Request for Monetary Sanctions. (Docket No. 52.) On February 3, 2012, Defendants renoticed the hearing for March 13, 2012. (Docket No. 58.) On March 19, 2012, the Court entered an order requiring the parties to meet and confer, and setting a status conference for April 3, 2012. (Docket No. 72.) At the status conference, the Court ordered Plaintiffs to supplement their discovery responses by April 24, 2012.

On May 9, 2012, Defense Counsel filed a letter brief, stating that no responses had been received from Plaintiffs by May 1, 2012. (Docket No. 87.) Defense Counsel states that she received an email from Plaintiff's Counsel, who stated she would get the responses to Defense Counsel by May

1 7, 2012, at the very latest. *Id.* Defense Counsel states that as of May 9, 2012, she had not received  
2 any responses. *Id.* On May 10, 2012, Plaintiffs' counsel filed a letter brief in which she  
3 acknowledges that she has not provided the supplemental responses as ordered by the Court. (Docket  
4 No. 88.) Plaintiff asks for additional time to comply with the Court's order. *Id.*

5 The Court set the matter for a telephonic status conference on May 22, 2012. At that hearing,  
6 Plaintiff's Counsel indicated that she had provided supplemental responses to Defense Counsel.  
7 Defense Counsel claimed that the supplemental responses were wholly inadequate. At the hearing,  
8 the Court ordered as follows:

9 1) Defendants are granted to and including June 5, 2012, to file a motion for sanctions for  
10 Plaintiffs' failure to comply with discovery requests and failure to comply with the Court's prior  
11 orders regarding discovery responses, along with a bill of costs. *See* Rule 37(b)(A) and (C), Federal  
12 Rules of Civil Procedure; Civil Local Rule 37-4. Should Defendants choose to file such a motion,  
13 they shall set forth in detail their discovery requests, Plaintiffs' response to the requests, and  
14 Defendants' arguments as to how these responses are insufficient. Any bill of costs shall be in  
15 compliance with Civil Local Rule 54 and Civil Local Rule 37-4.

16 2) Plaintiffs are granted to and including June 19, 2012, to respond to Defendants' motion and  
17 bill of costs, should Defendants file them. Any response by Plaintiffs shall include a specific and  
18 detailed response to each discovery request addressed by Defendants. Plaintiffs' Counsel is advised to  
19 review William W. Schwarzer, ET AL., Civil Procedure Before Trial, 11:1725 - 11:1775 (2011). *See*  
20 *also National Academy of Recording Arts & Sciences*, 256 F.R.D. 678, 683 (C.D.Cal. 2009)  
21 (discussing insufficiency of objection to interrogatories on ground that information is equally  
22 available to both parties).

23 3) Following the filing of the parties' papers, the Court will take the matter under submission on  
24 the papers pursuant to Civil Local Rule 7-1(b).

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26 Dated: May 23, 2012  
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Nandor J. Vadas  
United States Magistrate Judge